



PATENT
Customer No. 22,852
Attorney Docket No. 08157.0015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Paul GILSON et al.)
)
Application No.: 09/986,132) Group Art Unit: 3762
)
Filed: November 7, 2001) Examiner: Unknown
)
For: SUPPORT FRAME FOR AN)
EMBOLIC PROTECTION)
DEVICE)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

Prior to examination, please amend the above-identified application as follows:

IN THE CLAIMS:

Please amend claims 3, 5, 9, 10, 13, 15-17, 21-27, 29-30, 32, 34, 37, and 39-40
as follows:

3. (Amended) An embolic protection device as claimed in claim 1 wherein
the frame comprises a number of frame elements, at least some of the frame elements
having an engagement segment.

5. (Amended) An embolic protection device as claimed in claim 1 wherein
the frame has an intermediate section and a proximal section extending from the

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

intermediate section, the engagement segments being provided in the intermediate section of the frame.

9. (Amended) An embolic protection device as claimed in claim 5 wherein the proximal mounting is offset with respect to the longitudinal axis of the support frame.

10. (Amended) An embolic protection device as claimed in claim 5 wherein the proximal section of the frame is flexible with respect to the intermediate section of the frame.

13. (Amended) An embolic protection device as claimed in claim 11 wherein the frame includes a distal section extending from the intermediate section, the distal section of the frame being flexible with respect to the intermediate section of the frame.

15. (Amended) An embolic protection device as claimed in claim 12 wherein the flexible elements are thread-like elements.

16. (Amended) An embolic protection device as claimed in claim 12 wherein at least some of the flexible elements define tethers.

17. (Amended) An embolic protection device as claimed in claim 5 wherein the frame has a distal section extending from the intermediate section.

21. (Amended) An embolic protection device as claimed in claim 17 wherein the distal mounting is offset with respect to the longitudinal axis of the support frame.

22. (Amended) An embolic protection device as claimed in claim 17 wherein the distal section of the frame is flexible with respect to the intermediate section of the frame.

23. (Amended) An embolic protection device as claimed in claim 5 wherein at least the intermediate section of the support frame is formed from wire.

24. (Amended) An embolic protection device as claimed in claim 5 wherein at least the intermediate section of the support frame is formed by a slotted tube.

25. (Amended) An embolic protection device as claimed in claim 5 wherein at least the intermediate section of the support frame is an elastic, superelastic and/or a shaped memory material.

26. (Amended) An embolic protection system as claimed in claim 5 wherein at least the intermediate section of the support frame is of Nitinol.

27. (Amended) An embolic protection device as claimed in claim 3 wherein the included angle defined between adjacent frame elements is less than 90°.

29. (Amended) An embolic protection device as claimed in claim 3 wherein at least a portion of a support frame element is offset from the longitudinal axis by an angle of less than 45° in the expanded configuration.

30. (Amended) An embolic device as claimed in claim 1 wherein a support frame element is offset from the longitudinal axis by an angle of less than 10° when the frame is in the collapsed configuration.

32. (Amended) An embolic protection device as claimed in claim 1 wherein the engagement segments are defined by segments of a single frame element.

34. (Amended) An embolic protection device as claimed in claim 1 wherein the collapsible filter body is mounted to the support frame.

37. (Amended) An embolic protection device as claimed in claim 35 wherein the frame includes a distal section extending from the intermediate section, the distal section of the frame being flexible with respect to the intermediate section of the frame.

39. (Amended) An embolic protection device as claimed in claim 36 wherein the flexible elements are thread-like elements.

40. (Amended) An embolic protection device as claimed in claim 36 wherein at least some of the flexible elements define tethers.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

IN THE ABSTRACT:

Please replace the originally filed Abstract with the enclosed ABSTRACT OF THE DISCLOSURE.

REMARKS

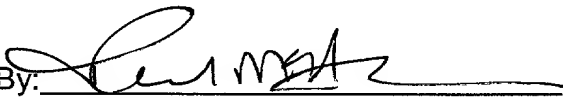
By this Preliminary Amendment, Applicants have amended claims 3, 5, 9, 10, 13, 15-17, 21-27, 29-30, 32, 34, 37, and 39-40. Claims 1-40 remain pending in this application. The Examiner is respectfully requested to consider the above changes to the pending claims prior to examination of the application.

Please grant any necessary extensions of time and charge any additional fees due with the filing of this Supplemental Preliminary Amendment to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 28, 2002

By: 
Roland G. McAndrews
Reg. No. 41,450

JAR/RGM

271692_1

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

APPENDIX TO AMENDMENT

Applicants submit the following requested changes to the present application with strikethrough and underlining for the Examiner's convenience as required by new rule 37 C.F.R. § 1.121(c)(1)(ii). This APPENDIX is not intended to be entered into the application.

IN THE CLAIMS:

3. (Amended) An embolic protection device as claimed in claim 1 ~~or 2~~ wherein the frame comprises a number of frame elements, at least some of the frame elements having an engagement segment.

5. (Amended) An embolic protection device as claimed in ~~any preceding~~ claim 1 wherein the frame has an intermediate section and a proximal section extending from the intermediate section, the engagement segments being provided in the intermediate section of the frame.

9. (Amended) An embolic protection device as claimed in ~~any of claims 5 to 8~~ claim 5 wherein the proximal mounting is offset with respect to the longitudinal axis of the support frame.

10. (Amended) An embolic protection device as claimed in ~~any of claims 5 to 9~~ claim 5 wherein the proximal section of the frame is flexible with respect to the intermediate section of the frame.

13. (Amended) An embolic protection device as claimed in claim 11 ~~or 12~~ wherein the frame includes a distal section extending from the intermediate section, the distal section of the frame being flexible with respect to the intermediate section of the frame.

15. (Amended) An embolic protection device as claimed in ~~any of claims 12 to 14~~ claim 12 wherein the flexible elements are thread-like elements.

16. (Amended) An embolic protection device as claimed in ~~any of claims 12 to 15~~ claim 12 wherein at least some of the flexible elements define tethers.

17. (Amended) An embolic protection device as claimed in ~~any of claims 5 to 16~~ claim 5 wherein the frame has a distal section extending from the intermediate section.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

21. (Amended) An embolic protection device as claimed in ~~any of claims 17 to 20~~ claim 17 wherein the distal mounting is offset with respect to the longitudinal axis of the support frame.

22. (Amended) An embolic protection device as claimed in ~~any of claims 17 to 24~~ claim 17 wherein the distal section of the frame is flexible with respect to the intermediate section of the frame.

23. (Amended) An embolic protection device as claimed in ~~any of claims 5 to 24~~ claim 5 wherein at least the intermediate section of the support frame is formed from wire.

24. (Amended) An embolic protection device as claimed in ~~any of claims 5 to 24~~ claim 5 wherein at least the intermediate section of the support frame is formed by a slotted tube.

25. (Amended) An embolic protection device as claimed in ~~any of claims 5 to 23~~ claim 5 wherein at least the intermediate section of the support frame is an elastic, superelastic and/or a shaped memory material.

26. (Amended) An embolic protection system as claimed in ~~any of claims 5 to 25~~ claim 5 wherein at least the intermediate section of the support frame is of Nitinol.

27. (Amended) An embolic protection device as claimed in ~~any of claims 3 to 26~~ claim 3 wherein the included angle defined between adjacent frame elements is less than 90°.

29. (Amended) An embolic protection device as claimed in ~~any of claims 3 to 28~~ claim 3 wherein at least a portion of a support frame element is offset from the longitudinal axis by an angle of less than 45° in the expanded configuration.

30. (Amended) An embolic device as claimed in ~~any preceding claim~~ claim 1 wherein a support frame element is offset from the longitudinal axis by an angle of less than 10° when the frame is in the collapsed configuration.

32. (Amended) An embolic protection device as claimed in ~~any preceding claim~~ claim 1 wherein the engagement segments are defined by segments of a single frame element.

34. (Amended) An embolic protection device as claimed in ~~any preceding claim~~ claim 1 wherein the collapsible filter body is mounted to the support frame.

37. (Amended) An embolic protection device as claimed in ~~claim 35 or 36~~ wherein the frame includes a distal section extending from the intermediate section, the distal section of the frame being flexible with respect to the intermediate section of the frame.

39. (Amended) An embolic protection device as claimed in ~~any of claims 36 to 38~~ claim 36 wherein the flexible elements are thread-like elements.

40. (Amended) An embolic protection device as claimed in ~~any of claims 36 to 39~~ claim 36 wherein at least some of the flexible elements define tethers.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com